

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 458

AN ACT

1 To repeal section 160.775, RSMo, and to enact in lieu
2 thereof three new sections relating to student safety.

3
4
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
6 AS FOLLOWS:

7
8 Section A. Section 160.775, RSMo, is repealed and three new
9 sections enacted in lieu thereof, to be known as sections
10 160.775, 170.047, and 170.048, to read as follows:

11 160.775. 1. Every district shall adopt an antibullying
12 policy by September 1, 2007.

13 2. "Bullying" means intimidation or harassment that causes
14 a reasonable student to fear for his or her physical safety or
15 property; substantially interferes with the educational
16 performance, opportunities, or benefits of any student without
17 exception; or substantially disrupts the orderly operation of the
18 school. Bullying may consist of, but is not limited to, physical
19 actions, including gestures, or oral, cyberbullying, electronic,
20 or written communication, and any threat of retaliation for
21 reporting of such acts. Bullying by students is prohibited on
22 school property, at any school function, or on a school bus.
23 "Cyberbullying" is bullying as defined in this subsection through

1 the transmission of a communication including, but not limited
2 to, a message, text, sound, or image by means of an electronic
3 device including, but not limited to, a telephone, wireless
4 telephone, or other wireless communication device, computer, or
5 pager.

6 3. Each district's antibullying policy shall be founded on
7 the assumption that all students need a safe learning
8 environment. Policies shall treat all students equally and shall
9 not contain specific lists of protected classes of students who
10 are to receive special treatment. Policies may include
11 age-appropriate differences for schools based on the grade levels
12 at the school. Each such policy shall contain a statement of the
13 consequences of bullying.

14 4. Each district's antibullying policy shall be included in
15 the student handbook and shall require, at a minimum, the
16 following components:

17 (1) A statement prohibiting bullying, defined no less
18 inclusively than in subsection 2 of this section;

19 (2) A statement requiring district employees to report any
20 instance of bullying of which the employee has firsthand
21 knowledge[. The district policy shall address training of
22 employees in the requirements of the district policy.], has
23 reasonable cause to suspect that a student has been subject to
24 bullying, or has received a report of bullying from a student.
25 The policy shall require a district employee who witnesses an
26 incident of bullying or has received reliable information that an
27 incident of bullying has occurred to report the incident to the
28 district's designated individual at the school within two days of

1 the employee witnessing or receiving the reliable information
2 regarding the incident. The policy shall require that the
3 district maintain records of all incidents of bullying and their
4 resolution;

5 (3) A procedure for reporting an act of bullying. The
6 policy shall also include a statement requiring that the district
7 designate an individual at each school in the district to receive
8 reports of incidents of bullying. Such individual shall be a
9 district employee who is a school principal, school
10 administrator, or school supervisor;

11 (4) A procedure for prompt investigation of reports of
12 violations and complaints, identifying one or more employees
13 responsible for the investigation including, at a minimum, the
14 following requirements:

15 (a) Within one school day of a report of an incident of
16 bullying being received, the school principal, or his or her
17 designee, shall initiate an investigation of the incident;

18 (b) The school principal may appoint other school staff to
19 assist with the investigation; and

20 (c) The investigation shall be completed within ten school
21 days from the date of the written report;

22 (5) The range of ways in which a school will respond once
23 an incident of bullying is confirmed with disciplinary action
24 ranging from a minimum of counseling for the student to a maximum
25 of expulsion of the student based on the establishment of
26 reasonable criteria related to the severity of the actions;

27 (6) A statement that prohibits reprisal or retaliation
28 against any person who reports an act of bullying and the

1 consequence and appropriate remedial action for a person who
2 engages in reprisal or retaliation;

3 (7) A statement of how the policy is to be publicized; and

4 (8) A process for discussing the district's antibullying
5 policy with students and training school employees and volunteers
6 who have significant contact with students in the requirements of
7 the policy, including, at a minimum, the following statements:

8 (a) The school district shall provide information and
9 appropriate training to the school district staff who have
10 significant contact with students regarding the policy;

11 (b) The school district shall give annual notice of the
12 policy to students, parents or guardians, and staff;

13 (c) The school district shall provide education and
14 information to students regarding bullying, including information
15 regarding the school district policy prohibiting bullying, the
16 harmful effects of bullying, and other applicable initiatives to
17 prevent bullying, including student peer-to-peer initiatives to
18 provide accountability and policy enforcement for those found to
19 have engaged in bullying, reprisal, or retaliation against any
20 person who reports an act of bullying;

21 (d) The administration of the school district shall
22 instruct its school counselors and school psychologists to
23 educate students who are victims of bullying on techniques for
24 students to overcome bullying's negative effects. Such
25 techniques shall include, but not be limited to, cultivating the
26 student's self-worth and self-esteem; teaching the student to
27 defend himself or herself assertively and effectively; helping
28 the student develop social skills; and encouraging the student to

1 develop an internal locus of control. The provisions of this
2 paragraph shall not be construed to contradict or limit any other
3 provision of this section; and

4 (e) The administration of the school district shall
5 implement programs and other initiatives to prevent bullying, to
6 respond to such conduct in a manner that does not stigmatize the
7 victim, and to make resources or referrals available to victims
8 of bullying.

9 5. Notwithstanding any other provision of law, any school
10 district may subject any student to discipline for cyberbullying.
11 A school district may discipline any student for cyberbullying to
12 the greatest extent allowed by law. The district shall have
13 jurisdiction to prohibit cyberbullying that originates on a
14 school's campus or at a district activity if the electronic
15 communication was made using the school's technological
16 resources, if there is a sufficient nexus to the educational
17 environment, or if the electronic communication was made on the
18 school's campus or at a district activity using the student's own
19 personal technological resources. The district shall have
20 jurisdiction to prohibit cyberbullying that originates off the
21 school's campus if:

22 (1) It was reasonably foreseeable that the electronic
23 communication would reach the school's campus; or

24 (2) There is a sufficient nexus between the electronic
25 communication and the school that includes, but is not limited
26 to, speech that is directed at a school-specific audience, or the
27 speech was brought onto or accessed on the school campus, even if
28 it was not the student in question who did so. The district may

1 also prohibit cyberbullying that occurs outside of the district
2 to the greatest extent allowed by law including, but not limited
3 to, situations in which the cyberbullying negatively impacts the
4 educational environment or constitutes a true threat. Even in
5 situations where the district does not have legal authority to
6 discipline a student, the district may contact law enforcement
7 and take other appropriate actions to protect students and
8 clarify district expectations.

9 6. Each district shall annually review its antibullying
10 policy and revise it as needed. The district's school board
11 shall receive input from school personnel, students, and
12 administrators when reviewing and revising the policy.

13 7. Each district shall develop a method to keep track of
14 any correspondence between individuals and the district, or any
15 school in the district, regarding an incident of bullying. Such
16 correspondence shall be a closed record under chapter 610.

17 8. Each district shall annually report to the department of
18 elementary and secondary education the number of confirmed
19 reported bullying incidents in the district at the school level
20 and the district level, and any action taken in response to an
21 incident of bullying including, but not limited to, expulsions
22 and suspensions, for each school in the district. No district
23 shall release any confidential information not authorized by
24 state or federal law for public release. The department of
25 elementary and secondary education shall post this information on
26 its internet website within thirty days of receiving it but shall
27 ensure that no personally identifiable information is posted.

28 170.047. 1. Beginning in the 2016-17 school year, any

1 licensed educator may annually complete up to two hours of
2 training or professional development in youth suicide awareness
3 and prevention as part of the professional development hours
4 required for state board of education certification.

5 2. The department of elementary and secondary education
6 shall develop guidelines suitable for training or professional
7 development in youth suicide awareness and prevention. The
8 department shall develop materials that may be used for such
9 training or professional development.

10 3. For purposes of this section, the term "licensed
11 educator" shall refer to any teacher with a certificate of
12 license to teach issued by the state board of education or any
13 other educator or administrator required to maintain a
14 professional license issued by the state board of education.

15 4. The department of elementary and secondary education may
16 promulgate rules and regulations to implement this section.

17 5. Any rule or portion of a rule, as that term is defined
18 in section 536.010, that is created under the authority delegated
19 in this section shall become effective only if it complies with
20 and is subject to all of the provisions of chapter 536 and, if
21 applicable, section 536.028. This section and chapter 536 are
22 nonseverable, and if any of the powers vested with the general
23 assembly pursuant to chapter 536 to review, to delay the
24 effective date, or to disapprove and annul a rule are
25 subsequently held unconstitutional, then the grant of rulemaking
26 authority and any rule proposed or adopted after August 28, 2015,
27 shall be invalid and void.

28 170.048. 1. By July 1, 2017, each district shall adopt a

1 policy for youth suicide awareness and prevention, including the
2 training and education of district employees.

3 2. Each district's policy shall address, but need not be
4 limited to, the following:

5 (1) Strategies that can help identify students who are at
6 possible risk of suicide;

7 (2) Strategies and protocols for helping students at
8 possible risk of suicide; and

9 (3) Protocols for responding to a suicide death.

10 3. By July 1, 2016, the department of elementary and
11 secondary education shall develop a model policy that districts
12 may adopt. When developing the model policy, the department
13 shall cooperate, consult with, and seek input from organizations
14 that have expertise in youth suicide awareness and prevention.
15 By July 1, 2020, and at least every three years thereafter, the
16 department shall request information and seek feedback from
17 districts on their experience with the policy for youth suicide
18 awareness and prevention. The department shall review this
19 information and may use it to adapt the department's model
20 policy. The department shall post any information on its website
21 that it has received from districts that it deems relevant. The
22 department shall not post any confidential information or any
23 information that personally identifies any student or school
24 employee.

25 ✓
26
27
28
29
